

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BUTTE DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

RICK RYAN GARCIA,

Defendant.

CR 20–29–BU–DLC

ORDER

United States Magistrate Judge Kathleen L. DeSoto entered Findings and Recommendations in this matter on February 12, 2021. (Doc. 39.) Neither party objects, and so the Court will review for clear error. *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003); *Thomas v. Arn*, 474 U.S. 140, 149 (1985). Clear error exists if the Court is left with a “definite and firm conviction that a mistake has been committed.” *United States v. Syrax*, 235 F.3d 422, 427 (9th Cir. 2000) (citations omitted).

Judge DeSoto recommended this Court accept Defendant Rick Ryan Garcia’s guilty plea after he appeared before her pursuant to Federal Rule of Criminal Procedure 11, and entered a plea of guilty to one count of possession with

intent to distribute controlled substances in violation of 21 U.S.C. § 841(a)(1) as set forth in the Indictment.¹

The Court finds no clear error in Judge DeSoto's Findings and Recommendation, and adopts them in full, including the recommendation to defer acceptance of the Plea Agreement until sentencing when the Court will have reviewed the Plea Agreement and Presentence Investigation Report. Accordingly,

IT IS ORDERED that the Findings and Recommendation (Doc. 39) is ADOPTED in full. Garcia's motion to change plea (Doc. 29) is GRANTED and he is adjudged guilty as charged in Count I of the Indictment.

DATED this 3rd day of March, 2021.



Dana L. Christensen, District Judge
United States District Court

¹ Count 1 of the Indictment charges Garcia under 21 U.S.C. § 841(a)(1). This is the crime Garcia pled guilty to before Judge DeSoto. Nevertheless, the plea agreement signed and presented to the Court contains a typo. The plea agreement indicates that Garcia will plead guilty to 21 U.S.C. § 846. (Doc. 32 at 2.) If the parties would like the Court to accept their plea agreement at sentencing, they should execute and submit an amended agreement.